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AN EXPLANATION OF EXECUTIVE REORGANIZATION LEGISLATIVE PROPOSALS

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SUBMITTED TO THE SECOND REGULAR SESSION, FORTY-SECOND
IDAHO LEGISLATURE

JANUARY 14, 1974

LEGISLATIVE EXECUTIVE REORGANIZATION COMMISSION
ROOM 430
STATEHOUSE, BOISE, IDAHO

SENATE JOINT RESOLUTION NO. 132

SECTION 20. DEPARTMENTS LIMITED. All executive and administrative offices, agencies, and instrumentalities of the executive department of the state and their respective functions, powers, and duties, except for the office of governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general and superintendent of public instruction, shall be allocated by law among and within not more than twenty departments by no later than January 1, 1975. Subsequently, all new powers or functions shall be assigned to departments, divisions, sections or units in such a manner as will tend to provide an orderly arrangement in the administrative organization of state government. Temporary agencies may be established by law and need not be allocated within a department; however, such temporary agencies may not exist for longer than two years.

FOREWORD

House Bill No. 122, passed by the 1973 Idaho Legislature, created a fourteen member legislative executive reorganization commission. The bill directed the commission

"To prepare a written report which shall include recommendations for the reorganization of the executive branch, expressed in suggested legislation ready for introduction."

The commission presented to the Second Regular Session of the Forty-second Idaho Legislature, on January 14, 1974, their recommendations. The recommendations are contained within twenty-one separate proposals. Each proposal is in legislative form. The proposals are not to be considered legislative bills.

This brief overview is intended to serve as a layman's guide to the recommendations of the commission. This booklet does not detail every change proposed, nor is it intended to serve as a substitute for careful reading of the twenty-one proposals or subsequent legislation that will be introduced during the session.

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No changes are proposed in the offices of the following elected officials:

LIEUTENANT GOVERNOR

STATE AUDITOR

STATE TREASURER

ATTORNEY GENERAL: Those changes which affect the office of the Attorney General are contained within proposal number 16, the department of law enforcement.

SUPERINTENDENT OF PUBLIC INSTRUCTION: Those changes which affect the office of the Superintendent of Public Instruction are contained within proposal number 6, the department of education.

PROPOSAL NUMBER 1

OFFICE OF THE GOVERNOR

PROPOSAL NO. 1 ESTABLISHES THE OFFICE OF THE GOVERNOR AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT, PURSUANT TO ARTICLE IV, SECTION 20, OF THE CONSTITUTION OF THE STATE OF IDAHO.

The Governor shall act as head of the office and shall exercise all powers and duties necessary to carry out proper administration of the office. The office shall be composed of the following divisions and any other divisions which may be established or assigned: the division of industrial development, the state liquor dispensary, the military division, and the division of budget, policy planning and coordination. The Governor shall appoint an administrator for each division, subject to the advice and consent of the Senate, who shall serve at the pleasure of the Governor.

The division of industrial development shall consist of the functions of the present department of commerce and development.

The state liquor dispensary shall be a division as it is now constituted.

The military division shall consist of the present office of adjutant general, Idaho army national guard, Idaho air national guard, and the department of disaster relief and civil defense. The adjutant general shall act as administrator of the division.

The division of budget, policy planning and coordination shall consist of the functions of the present law enforcement planning commission, the functions of the present state planning and community affairs agency, the functions of the present division of the budget, department of administrative services, the functions of the present division of management services, department of administrative services. The office of coordinator of federal programs is abolished and the functions are established within the division of budget, policy planning and coordination.

Also established within the office are the following: the blind commission, the commission on women's programs, the nuclear energy commission, the public employees retirement board and the state insurance fund which will maintain their present functions and structure.

The present commissioner of finance is retained as a member of the endowment investment board. The board is provided authority, upon request, to invest the funds of, or provide investment advice to the State Treasurer, the state insurance fund, and the public employees retirement board. The endowment investment board will, on advice of the Supreme Court, invest the funds of the judges' retirement fund

The proposal abolishes the following entities: the incentive savings award system, the Governor's council, and the intergovernmental committee on children and youth.

The proposal amends present statutes on filing of vacancies of state offices to reflect the proposed new departments and officers. Statutes on devotion of entire time to duties by state officers, and on compensation of state employees are recodified, bringing them into the general section of the Idaho code dealing with public officers.

The proposal also establishes procedure for the issuance of executive orders by the Governor. Such executive orders, which shall have the force and effect of law, shall, when issued, be serially numbered for each calendar year, and shall be effective only after signature by the Governor, attestation by and filing with the Secretary of State, and after publication in a newspaper(s) of general circulation in the state. Each executive order shall provide a date within two years of its effective date after which such executive order shall cease to be effective. If no such date is specified in an executive order, such order shall cease to be effective two years after its issuance.

PROPOSAL NUMBER 2

OFFICE OF THE SECRETARY OF STATE

PROPOSAL NO. 2 ADDS THE FOLLOWING FUNCTIONS TO THE OFFICE OF THE SECRETARY OF STATE: BOARD OF CANVASSERS, COMMISSION ON UNIFORM STATE LAWS, IDAHO CODE COMMISSION, AND IDAHO COMMISSION ON THE ARTS AND HUMANITIES.

The board of canvassers is transferred into the office of the Secretary of State and specified as an election function of the Secretary of State who is named as chairman of the board. The Governor and Attorney General are removed from membership on the board.

The commission on uniform state laws is maintained as it now exists and transferred into the office of the Secretary of State.

The Idaho code commission is transferred into the office of the Secretary of State. The Secretary of State is designated as the permanent secretary of the commission.

The Idaho commission on the arts and humanities is maintained with its present functions and transferred into the office of the Secretary of State.

The proposal amends a statute relating to notaries public by providing for a lifetime appointment as a notary public, subject to the filing of renewal of bond every four years rather than the present practice of renewal every four years of notary public appointment and filing of bond.

The proposal requires the Secretary of State to maintain custody, file and publish all executive orders issued by the Governor.

PROPOSAL NUMBER 3

DEPARTMENT OF ADMINISTRATION

PROPOSAL NO. 3 ESTABLISHES THE DEPARTMENT OF ADMINISTRATION AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT PURSUANT TO ARTICLE IV, SECTION 20, OF THE CONSTITUTION OF THE STATE OF IDAHO.

The department shall be headed by a director who shall be appointed by the Governor, with the advice and consent of the Senate, and who will serve at his pleasure.

The director of the department shall designate an officer within his office to procure, place, cancel, or renew insurance and bonds for all departments, boards, agencies and institutions of the state. This officer shall be subject to the state's merit system.

The department shall consist of the following divisions: public works and building services, state purchasing, personnel, and general services.

Each division will be headed by an administrator, appointed by, and serving at the pleasure of the director.

The division of public works and building services shall consist of the present division of building services in the department of administrative services and the present department of public works. The powers, duties and functions of each agency are consolidated in the division. Within the division is placed the present permanent building fund advisory council which will retain its present powers, duties and functions.

The division of state purchasing will combine the present office of the state purchasing agent and the present surplus property agency now in the office of the adjutant general. The division will hold and exercise those functions, powers and duties necessary for the procurement of goods and services for the executive department of state government, and for the distribution of federal surplus property.

The division of personnel shall consist of the functions of the present personnel system. The division administrator, who will be appointed by the director, will administer the state merit system.

The present personnel commission, members of which shall continue to be appointed by the Governor, is placed within the department. The commission shall continue to adopt, amend or rescind rules and regulations necessary to administer the personnel system, and shall continue to act as a board of appeals.

The division of general services shall consist of the present division of communications and the central postal system in the department of administrative services. The proposal creates within the division of general services a central records management function. The department will promulgate rules and regulations concerning the retention of records by all state agencies. The department shall serve as a central depository for dated state records.

Appropriate name changes are made to establish uniform terminology.

PROPOSAL NUMBER 4

DEPARTMENT OF AGRICULTURE

PROPOSAL NO. 4 ESTABLISHES THE DEPARTMENT OF AGRICULTURE AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT, PURSUANT TO ARTICLE IV, SECTION 20 OF THE CONSTITUTION OF THE STATE OF IDAHO.

The department will be headed by a director appointed by the Governor with the advice and consent of the Senate, who shall serve at the pleasure of the Governor. Each division established within the department will be headed by an administrator appointed by the director.

The department will retain its four statutory divisions. These are the division of animal industry, division of plant industries, division of agricultural markets and division of federal-state inspections.

The division of animal industries will maintain all regulatory functions relating to animals, animal health and production. The sheep commission will be maintained in the division and will retain its present structure, powers, and funding provisions.

The hop growers commission and mint growers commission will be placed within the department with their present structure, powers, and funding provisions unchanged.

The commissioner is removed as a member of the commodity commissions upon which he presently serves.

The public livestock market board will be abolished. The board's functions will be assumed by the department director.

The obsolete Idaho marketing commission, fruit and vegetable commission and the division of fairs will be abolished.

Name changes are made throughout the proposal to establish uniform terminology.

PROPOSAL NUMBER 5

DEPARTMENT OF CORRECTION

PROPOSAL NO. 5 ESTABLISHES THE DEPARTMENT OF CORRECTION AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT, PURSUANT TO ARTICLE IV, SECTION 20, OF THE CONSTITUTION OF THE STATE OF IDAHO.

The state board of correction shall be the constitutional board of correction prescribed by section 5, article X of the constitution of the state of Idaho and shall exercise its authority and functions through the department of correction.

The proposal provides for Senate confirmation of members of the state commission of pardons and parole.

Existing law is amended to provide that personnel policies of the state board of correction shall be subject to the provisions of chapter 53, title 67, Idaho code.

Changes are made to require an annual report rather than a biennial report to the Governor and the legislature.

Transmission of parole agreements to county sheriffs, and of certification of expenditures to the state board of examiners is transferred from the secretary to the chairman of the board of correction or his representative.

Reference to imprisonment and confinement of female prisoners is amended to refer to commitment to the custody of the board of correction.

References to the probate judge are changed to the district judge.

Name changes are made to establish uniform terminology.

PROPOSAL NUMBER 6

DEPARTMENT OF EDUCATION

PROPOSAL NO. 6 ESTABLISHES THE STATE BOARD OF EDUCATION AND ITS OFFICES, AGENCIES, DIVISIONS AND DEPARTMENTS, AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT PURSUANT TO ARTICLE IV, SECTION 20, OF THE CONSTITUTION OF THE STATE OF IDAHO.

The Superintendent of Public Instruction shall be an ex officio voting member of the board and shall serve as executive secretary to the board in all matters pertaining to elementary and secondary education. The state board may appoint an executive officer who shall have those powers and duties assigned by the board. The board may appoint additional administrators to whom, with the executive secretary and executive officer, it may delegate such powers as it deems necessary to implement its policies, decisions and directives. The Superintendent of Public Instruction may serve in both capacities as executive secretary and executive officer. The state board of education will organize its executive department utilizing the recommendations of its executive officers.

The present offices of directors of vocational education and vocational rehabilitation shall be known as administrators and shall continue to be appointed by the board. Those agencies and institutions under the governance of the state board of education shall continue to be maintained under the board. The executive secretary to the board and the administrator of vocational education will be required to coordinate vocational education programs.

The state library board shall be appointed by the state board of education and retain its present structure and powers.

The board of trustees of the Idaho state historical society shall be appointed by the state board of education and will retain its present structure and powers.

The franklin county pioneer relic hall shall be recognized by law and supervised by the Idaho state historical society with the assistance of the Idaho pioneer association of Franklin, Idaho.

Name changes are made throughout the proposal to establish uniform terminology.

PROPOSAL NUMBER 7

DEPARTMENT OF EMPLOYMENT

PROPOSAL NO. 7 ESTABLISHES THE DEPARTMENT OF EMPLOYMENT AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT, PURSUANT TO ARTICLE IV, SECTION 20, OF THE CONSTITUTION OF THE STATE OF IDAHO.

The department shall be headed by a director appointed by the Governor with the advice and consent of the Senate. The present advisory council appointed by the director, to consult with and advise the director on employment security law is retained. The council's power to nominate director candidates is removed.

The department retains all powers and duties of the present department of employment.

The commission on human rights shall be maintained within the department independent of the administrative control of the director of the department. Members shall be appointed for staggered three year terms. The commission is authorized to appoint a staff director. The director of the office of economic opportunity is removed as secretary to the commission.

Name changes are made throughout the legislation to establish uniform terminology.

PROPOSAL NUMBER 8

BOARD OF EXAMINERS

PROPOSAL NO. 8 ESTABLISHES THE STATE BOARD OF EXAMINERS AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT, PURSUANT TO ARTICLE IV, SECTION 20, OF THE CONSTITUTION OF THE STATE OF IDAHO.

PROPOSAL NO. 9

DEPARTMENT OF FINANCE AND INSURANCE

PROPOSAL NO. 9 ESTABLISHES THE DEPARTMENT OF FINANCE AND INSURANCE AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT PURSUANT TO ARTICLE IV, SECTION 20 OF THE CONSTITUTION OF THE STATE OF IDAHO.

The department shall be headed by a director appointed by the Governor, subject to the advice and consent of the Senate. The director shall have the same qualifications as are required of the present director of the department of finance, which are: at least five years practical experience in the banking business or service for a like period in the banking division of this or some other state.

The department shall be composed of the division of finance and the division of insurance. The director shall serve as the administrator of the division of finance. No new department head is created. The director shall appoint an administrator of the division of insurance. The administrator shall have the same qualifications as are required of the director of the present department of insurance, which are: at least five years practical experience in one or more of the types of insurance subject to regulation by him, or have had other experience to equip him to discharge his duties and fulfill his responsibilities. The administrator of insurance serves at the pleasure of the director.

The legislation establishes the present insurance guaranty association within the division of insurance.

The collection agency board and the cemetery board are both abolished and their functions transferred to the director of the department of finance and insurance.

Name changes are made throughout to establish the present department of finance as a division of finance and the present department of insurance as a division of insurance. Appropriate name changes to establish uniform terminology for officers within the department are also made.

PROPOSAL NUMBER 10

DEPARTMENT OF FISH AND GAME

PROPOSAL NO. 10 ESTABLISHES THE DEPARTMENT OF FISH AND GAME AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT, PURSUANT TO ARTICLE IV, SECTION 20, OF THE CONSTITUTION OF THE STATE OF IDAHO.

The proposal requires that the fish and game commission utilize standard terminology in its administrative structure.

The director of the fish and game department is required to notify the director of the department of law enforcement of appointed deputies.

PROPOSAL NUMBER 11

DEPARTMENT OF HEALTH AND WELFARE

PROPOSAL NO. 11 ESTABLISHES THE DEPARTMENT OF HEALTH AND WELFARE AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT, PURSUANT TO ARTICLE IV, SECTION 20, OF THE CONSTITUTION OF THE STATE OF IDAHO.

The proposal changes the name of the present department of environmental and community services to the department of health and welfare and adds a third, new division.

The new department will continue to be headed by a director appointed by the Governor with the advice and consent of the Senate, who will serve at the pleasure of the Governor. The director will continue to be advised by the seven member policy making board of health and welfare, appointed by the Governor with the advice and consent of the Senate.

The two divisions of the present department of environmental and community services, the division of environmental protection and the division of state support, are maintained. A third, new division of veterans' services is established.

The division of veterans' services is responsible for administration of veterans' services within the state and for the management and operation of the veterans' home, which is established within the division.

The division shall be headed by an administrator who shall serve as the commandant of the veterans' home. The administrator shall be appointed by the director of the department of health and welfare from a list of eligible candidates submitted by the veterans' affairs commission. The administrator may be removed from office by the director of the department only with the consent of the veterans' affairs commission.

The five member veterans' affairs commission, appointed by and serving at the pleasure of the Governor, is maintained in an advisory capacity to the division administrator and the board of health and welfare. The veterans' affairs commission shall advise the administrator and the board of health and welfare in the adoption of rules and regulations affecting the veterans' services division, and in the establishment of admissions criteria for the veterans' home.

Name changes are made throughout the legislation to establish uniform terminology.

PROPOSAL NUMBER 12

IDAHO TRANSPORTATION DEPARTMENT

PROPOSAL NO. 12 ESTABLISHES THE IDAHO TRANSPORTATION DEPARTMENT AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT, PURSUANT TO ARTICLE IV, SECTION 20, OF THE CONSTITUTION OF THE STATE OF IDAHO.

The department shall be headed by the Idaho transportation board which shall consist of three members appointed by the Governor from the present three highway districts. At least one member shall have special training, experience or expertise in the field of aeronautical transportation. The board shall administer the state highway and aeronautics laws, and public transportation activities in which the state may become involved.

The Idaho transportation board shall appoint a director having knowledge and experience in transportation matters, who shall serve at the pleasure of the board and may be removed by the board only for stated cause.

The department shall consist of the division of highways and the division of aeronautics and public transportation, which are created by law. Other divisions may be established or assigned.

The director of the Idaho transportation department shall appoint an administrator of the division of highways and an administrator of the division of aeronautics and public transportation. The administrator of the division of highways shall have the same qualifications as the present highway engineer who shall be a registered professional engineer, holding a current certificate of registration in accordance with the laws of the state, or who shall qualify as a registered professional engineer within nine months of his appointment.

The administrator of the division of highways shall also have had five years of actual experience in modern highway engineering, at least three of which shall have been in an administrative capacity involving the direction of a substantial technical engineering staff.

The administrator of the division of aeronautics and public transportation shall have the same qualifications as the present director of aeronautics who shall hold a commercial pilot rating certified by the federal aviation administration.

An aeronautics and public transportation advisory board is created to consult with and advise the director of the department on matters concerning aeronautics and public transportation. The advisory board shall consist of three members appointed by the Governor to five year terms. One member shall be appointed from each of the three existing state highway districts.

The proposal creates in law the Idaho traffic safety commission within the Idaho transportation department. The commission, which is now established by executive order, shall consist of fifteen members appointed by the Governor, plus the Governor or his representative who shall act as chairman. Members shall be representative of state and local traffic oriented agencies, the legislature, the judiciary, and private organizations and citizen groups. The commission shall continue to maintain a full time administrator, appointed by and serving at the pleasure of the Governor, who shall be the executive and administrative officer of the commission. The administrator shall not be responsible to the director of the Idaho transportation department, but shall cooperate and maintain liaison with the director.

Duties of the commission shall continue to be: to review periodically traffic safety problems in Idaho and to develop effective plans for additional local-state cooperative activities; to recommend to the Governor those agency programs and political subdivision programs to receive federal aid for highway safety programs in accord with uniform federal standards; to advise and recommend to the Governor future traffic accident prevention activities; and to carry out such other activities as may be required by the federal highway safety act of 1966 and any amendments thereto.

The proposal provides that moneys from the state aeronautics fund and the state highway fund may be used to pay expenses of the Idaho transportation board and to defray administrative expenses of the Idaho transportation department.

The Idaho air carrier act is amended to specify that the public utilities commission shall consult with the director of the Idaho transportation department prior to issuance of a certificate of public convenience and necessity for an air carrier. A duplicate application shall be submitted to the director of the Idaho transportation department. The public utilities commission must also consult with the director prior to revoking the rights conferred by such certificate. Duplicate applications for consolidation, merger, purchase, lease, operating contract or acquisition of control shall be filed with the public utilities commission and a duplicate application filed with the director of the Idaho transportation department. The public utilities commission shall consult with the director of the Idaho transportation department prior to making a decision as to whether or not to grant the request. The director of the transportation department shall be consulted prior to action by the public utilities commission requiring a person to cease and desist from any activity violating the Idaho air carrier act. The public utilities commission shall consult with the director of the department prior to fixing rates and prescribing rules and regulations.

The Idaho transportation board shall be the successor in law to all contractual obligations entered into by its predecessors in law. The present board of highway directors and the board of aeronautical directors are both abolished and all statutory references to the two are amended to read the Idaho transportation board. All statutory references to the state highway engineer and to the director of the department of aeronautics are amended to read the director of the Idaho transportation department.

Name changes are made to establish uniform terminology.

PROPOSAL NUMBER 13
INDUSTRIAL COMMISSION

PROPOSAL NO. 13 ESTABLISHES THE INDUSTRIAL COMMISSION AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT, PURSUANT TO ARTICLE IV, SECTION 20, OF THE CONSTITUTION OF THE STATE OF IDAHO.

The structure and functions of the commission are maintained as they now exist. Name changes are made concerning cooperation with other governmental agencies.

PROPOSAL NUMBER 14

DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES

PROPOSAL NO. 14 ESTABLISHES A DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT PURSUANT TO ARTICLE IV, SECTION 20, OF THE CONSTITUTION OF THE STATE OF IDAHO.

The department shall be headed by a director as successor in law to the office of commissioner of immigration, labor and statistics created by article XIII, section 1 of the Constitution of the state of Idaho. The director shall be appointed by the Governor, with the advice and consent of the Senate, and serve at the pleasure of the Governor. The director shall be qualified in industrial safety and labor law.

In addition to the duties of the present commissioner of labor, the director is authorized to: (a) appoint inspectors for industrial inspections which are incorporated within the new department; (b) enforce standards, rules and regulations pursuant to adopted codes; (c) inspect each mine in the state, collect and publish information concerning conditions and safety of workers in mines; (d) administer building trades codes, consultative reviews, and coordinate training of inspection staff; (e) appoint temporary advisory committees; (f) make safety inspections of smelters, concentrators, refineries and mineral reduction works; (g) provide safety reviews upon request; (h) provide services to the agricultural labor board.

The agricultural labor board is established within the department and retains its present powers, duties and functions.

The office of the state mine inspector is abolished and its duties are assumed by the director of the department.

The department shall have two divisions, the division of industrial safety and investigations and the division of labor administration, both of which are created by law. The head of each division shall be an administrator appointed by and serving at the pleasure of the director.

The division of industrial safety and investigations may consist of administrative units which combine the functions of the following: (a) The present powers, duties and functions of the commissioner of law enforcement concerning certification and inspection of containers for liquified petroleum gas containers are assumed by the director of the department. (b) The present powers, duties and functions of the inspector of mines concerning inspection and certification of steam boilers are assumed by the director of the department. (c) The state plumbing board is established in the department and retains its duties of establishing rules and regulations for examination of plumbing contractors, journeymen and apprentices. The board retains its duties in adopting codes. The present requirements for certification and licensing of plumbing workers and the plumbing board fund are retained. The present powers and duties of the commissioner of law enforcement concerning issuance of licenses are assumed by the director of the department. Inspectors are appointed by the director on the recommendation of the board. (d) The present powers, duties

and functions of the state fire marshal in enforcing the fire prevention act will be assumed by the director of the department or his designated officer. The fire prevention board is abolished. (e) The present powers, duties and functions of the commissioner of law enforcement concerning inspection and certification of mobile homes and recreational vehicles are assumed by the director of the department. (f) The present powers, duties and functions of the commissioner of law enforcement concerning the inspection and certification of factory-built housing are assumed by the director of the department. The factory-built housing board will continue to be appointed by the Governor. (g) The state electrical board is placed in the department and retains its present duties in establishing rules and regulations for examination of electrical contractors, journeymen and apprentices. The board retains its duties in adopting codes. The present requirements for certification and licensing of electrical workers and the electrical board fund are retained. The present powers and duties of the commissioner of law enforcement concerning issuance of licenses are assumed by the director of the department. Inspectors are appointed by the director on the recommendation of the board. (h) New provisions are made for the coordination of safety inspections with applicable codes and standards and the director shall provide for necessary training of inspectors. (i) New provisions are made for consultative safety reviews upon request for building and facilities.

The division of labor law administration will consist of existing administratively created agencies which administer laws concerning wage and hours, overtime, child labor, labor relations and discrimination based on age and sex.

Appropriate name changes are made to establish uniform terminology.

PROPOSAL NUMBER 15

DEPARTMENT OF LANDS

PROPOSAL NO. 15 ESTABLISHES THE DEPARTMENT OF LANDS AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT, PURSUANT TO ARTICLE IV, SECTION 20, OF THE CONSTITUTION OF THE STATE OF IDAHO.

The department shall be headed by the state board of land commissioners as required by section 7, article IX, of the Constitution of the state of Idaho. The state board of land commissioners shall continue to appoint a director of the department, subject to the advice and consent of the Senate, who will serve at the pleasure of the board. The present office of state land commissioner shall be known as the director of the department of lands.

The soil conservation commission will be placed within the department of lands and will be required to maintain liaison with the board of land commissioners. The soil conservation commission will maintain its present structure, functions, powers and duties.

The board of scaling practices will be maintained within the department.

The bureau of mines and geology will be placed within the department of lands subject to the direction of the state board of land commissioners. The present governing board of the bureau becomes an advisory board. The dean of the school of mines of the University of Idaho will continue as bureau chief and secretary of the advisory board for the bureau. The director of the department of lands will serve as chairman of the advisory board. The present bureau of mines and geology will cease to serve as the oil and gas conservation commission. The functions, powers and duties of the commission will be assumed by the state board of land commissioners.

A central land records unit for the purpose of maintaining an inventory and plat of all lands owned, leased or held in trust by or in the name of the state of Idaho.

PROPOSAL NUMBER 16

DEPARTMENT OF LAW ENFORCEMENT

PROPOSAL NO. 16 ESTABLISHES THE DEPARTMENT OF LAW ENFORCEMENT AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT, PURSUANT TO ARTICLE IV, SECTION 20, OF THE CONSTITUTION OF THE STATE OF IDAHO.

The department shall be headed by the director of law enforcement who shall be appointed by and serve at the pleasure of the Governor, subject to the advice and consent of the Senate. The present office of the commissioner of law enforcement shall be known as the office of the director.

The Idaho state police is established as a division within the department of law enforcement, which shall be headed by an administrator appointed by the director. The administrator shall be designated the superintendent of state police. The superintendent shall serve a four year term and may be removed from office only for stated cause and only after a public hearing before the personnel commission.

The organized crime prevention council, presently created by executive order, is established by law within the department of law enforcement. The council shall continue to consist of seven officials involved in law enforcement activities in the state who have knowledge necessary for the prevention and control of organized crime. The director of the department of law enforcement shall be the chairman of the council and shall appoint the remaining six members who shall serve at his pleasure. Duties of the organized crime prevention council shall be: to assess whether the state of Idaho does have an organized crime problem; to provide resistance to the growth of organized crime; to advise the Governor, the law enforcement planning commission and the legislature pertaining to organized crime prevention and control; to foster coordination among operating law enforcement and regulatory agencies active against organized crime in Idaho.

The state brand board is established within the department of law enforcement. The existing structure and functions of the board are maintained.

The uniform controlled substances act is amended, substituting the director of the department of law enforcement for the Attorney General as the administrator of the state-level program in Idaho to suppress the unlawful traffic and abuse of controlled substances. The proposal also provides that the board of pharmacy shall transmit a copy of each registration of a manufacturer, distributor, or dispenser of a controlled substance to the director of the department of law enforcement.

The three member state horse racing commission is placed within the department of law enforcement, maintaining its present functions and structure.

Name changes are made throughout the legislation to establish uniform terminology.

PROPOSAL NUMBER 17

DEPARTMENT OF PARKS AND RECREATION

PROPOSAL NO. 17 ESTABLISHES THE DEPARTMENT OF PARKS AND RECREATION AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT PURSUANT TO ARTICLE IV, SECTION 20, OF THE CONSTITUTION OF THE STATE OF IDAHO.

The lava hot springs foundation is established as an agency within the department of parks and recreation. It will continue to maintain its present structure and functions.

The interagency committee on parks and recreation functions is abolished.

Name changes are made throughout to establish uniform terminology.

PROPOSAL NUMBER 18

DEPARTMENT OF REVENUE AND TAXATION

PROPOSAL NO. 18 ESTABLISHES THE DEPARTMENT OF REVENUE AND TAXATION AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT, PURSUANT TO ARTICLE IV, SECTION 20, OF THE CONSTITUTION OF THE STATE OF IDAHO.

The new department shall consist of the full time, four member, state tax commission as the constitutional tax commission prescribed by section 12, article XII, of the Constitution of the state of Idaho, and the board of tax appeals as presently provided in chapter 38, title 63, Idaho code. The present board of tax appeals is established within the department of revenue and taxation.

The chairman of the tax commission is established as the chief executive officer and administrative head of the tax commission. Specific duties of the chairman are enumerated. He shall be responsible for, or may assign responsibility for, all personnel and budgetary or fiscal matters of the commission. He shall represent the commission in communications to the Governor and the legislature. He shall sign all orders necessary to carry out the will of the commission and shall preside over all meetings of the commission unless otherwise provided for by the commission. He shall be responsible for maintaining official minutes or records of commission meetings.

The proposal also provides that the tax commission may organize itself and its administrative units as it may deem necessary to exercise its authority and functions.

The commission is given authority to employ or retain counsel. Reference to the various prosecuting attorneys serving as legal counsel for the commission is stricken from existing law.

Obsolete code provisions are removed from law.

Name changes are made throughout to establish uniform terminology.

PROPOSAL NUMBER 19

DEPARTMENT OF SELF-GOVERNING AGENCIES

PROPOSAL NO. 19 ESTABLISHES THE DEPARTMENT OF SELF-GOVERNING AGENCIES AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT PURSUANT TO ARTICLE IV, SECTION 20, OF THE CONSTITUTION OF THE STATE OF IDAHO.

The department will consist of two groups of agencies, agricultural commodity commissions and professional and occupational licensing boards.

The bureau of occupational licenses which is now created by administrative action in the department of law enforcement will be created by law. The chief of the bureau will be selected by the Governor, subject to the state's merit system. The bureau will continue to provide administrative services and functions for those agencies which by law are now assigned to the department of law enforcement. Each licensing board within the new department may, by written agreement, authorize the bureau to provide administrative services for it.

The first group of agencies consists of ten agricultural commodity commissions:

- Idaho apple commission
- Idaho bean commission
- Idaho beef council
- Idaho cherry commission
- Idaho dairy products commission
- Idaho honey advertising commission
- Idaho pea and lentil commission
- Idaho potato commission
- Idaho prune commission
- Idaho wheat commission

Each commission will maintain its present functions, powers and duties. The present funding procedures of each commission are maintained.

The hop growers commission, mint growers commission and the sheep commission are placed within the department of agriculture.

The second group of agencies consists of twenty-five professional and occupational licensing boards. Each will maintain its present powers, duties and functions. The following thirteen boards will be served by the bureau of occupational licenses:

- board of architectural examiners
- board of barber examiners
- board of chiropractic examiners
- board of cosmetology
- board of environmental health specialist examiners
- board of hearing aid dealers and fitters
- board of landscape architects
- board of morticians
- board of examiners of nursing home administrators
- board of optometry
- board of podiatry
- board of psychologist examiners
- board of veterinary medicine

The additional licensing boards within the department are:

- board of accountancy
- athletic director
- board of commissioners of the Idaho state bar
- board of dentistry
- board of engineering examiners
- board of registered professional geologists
- board of medicine, and its physical therapist advisory board
- board of nursing, and its licensed practical nurse advisory board
- board of outfitters and guides
- board of pharmacy
- public works contractors licensing board
- real estate commission

Appropriate name changes are made to establish uniform terminology.

PROPOSAL NUMBER 20

DEPARTMENT OF WATER RESOURCES

PROPOSAL NO. 20 ESTABLISHES THE DEPARTMENT OF WATER RESOURCES AS AN EXECUTIVE DEPARTMENT OF STATE GOVERNMENT PURSUANT TO ARTICLE IV, SECTION 20, OF THE CONSTITUTION OF THE STATE OF IDAHO.

The department will consist of the present water resource board and the present department of water administration.

The water resource board will be established within the department of water resources. The board will consist of eight members appointed by the Governor, with the advice and consent of the Senate, for four year terms. The present director of water administration will not retain his status as an ex officio member of the board. The present law governing the appointment of the board is retained. The water resource board will be empowered to:

- (1) Adopt a state water plan,
- (2) Approve state water projects,
- (3) Represent the state in interstate planning and compact negotiations,
- (4) Advise the director on major policy,
- (5) Exercise rule making authority on: well driller licensing, well construction standards, dam and reservoir safety, waste disposal wells, geothermal resources and stream channel protection,
- (6) Act as a board of appeals for decisions of the director under the above rules.

The department will be organized by the director. The director will be empowered to:

- (1) Act as administrative head of the agency and select and direct staff,
- (2) Issue water rights permits and licenses as defined by statutes and court decisions,
- (3) Represent the state in interstate water use regulatory bodies,
- (4) Conduct water planning studies under the direction of the board,
- (5) Recommend to the board rules on well driller licensing, well construction standards, dam and reservoir safety, waste disposal wells, geothermal resources and stream channel protection,
- (6) Issue permits and licenses under the rules and regulations adopted by the board,
- (7) Undertake water resource investigations,
- (8) Regulate water use, and
- (9) Issue applications and contracts for federal funds and grants.

The proposal requires liaison and cooperation between the department of water resources and the department of health and welfare and public health districts in implementing water quality functions.

Appropriate name changes are made to establish uniform terminology.

PROPOSAL NUMBER 21

ADMINISTRATION AND GENERAL CONDUCT

PROPOSAL NO. 21 PROVIDES FOR THE STRUCTURE AND CONDUCT OF THE CIVIL DEPARTMENTS OF STATE GOVERNMENT UNDER THE REORGANIZED STATE GOVERNMENTAL STRUCTURE, THROUGH THE ADDITION OF A NEW CHAPTER 24, TITLE 67 OF THE IDAHO CODE. THE CURRENT CHAPTERS 24 and 25, TITLE 67 OF THE IDAHO CODE ARE REPEALED.

The proposal enumerates the policy making and administrative powers of the Governor, who by the Idaho Constitution is granted the supreme executive power of the state and is charged with the duty of seeing that the laws are faithfully executed. The Governor shall formulate and administer the policies of the executive department of state government. The proposal gives the Governor authority to resolve conflicts arising in the administration of policies of the executive department of state government, except for those conflicts arising within the office of a constitutional officer.

The proposal allocates all executive and administrative offices, agencies, and instrumentalities of the executive department of the state, except those assigned to the elected constitutional officers among and within the following departments:

- department of administration
- department of agriculture
- department of correction
- department of education
- department of employment
- board of examiners
- department of finance and insurance
- department of fish and game
- department of health and welfare
- Idaho transportation department
- industrial commission
- department of labor and industrial services
- department of lands
- department of law enforcement
- department of parks and recreation
- department of revenue and taxation
- department of self-governing agencies
- department of water resources

The Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, and the Superintendent of Public Instruction shall each head a constitutional office.

Uniform terminology for the internal structure of each department is specified as follows: The principal unit of a department shall be a "division" which shall be headed by an administrator who shall be exempt from the provisions of chapter 53, title 67, Idaho Code. The principal unit of a division shall be a "bureau" which shall be headed by a "chief." The principal unit of a bureau shall be a "section" which shall be headed by a "supervisor."

Each department, unless otherwise specified shall have a director as its administrative and executive head who shall execute the powers and discharge the duties vested by law in his department.

Unless otherwise specifically provided, the Governor shall appoint all department directors, subject to the advice and consent of the Senate. A director may be appointed to assume office prior to Senate confirmation and when so appointed shall be vested with all the rights, powers, and duties of the office upon assuming the office. Unless a term of office is provided by law, or unless specifically provided otherwise, each director shall serve at the pleasure of the Governor. If a vacancy occurs in office the Governor shall appoint a new director.

The proposal enumerates the following powers and duties of department heads: Each department head shall (1) supervise, direct, account for, organize, plan, administer and execute the functions vested within the department, (2) establish policy to be followed by the department and its employees, (3) compile and submit reports and budgets for the department as required by law, (4) provide the Governor with any information that he requests at any time on the operation of the department, (5) represent the department in communications to the legislature and the Governor, (6) prescribe necessary rules and regulations, (7) establish the internal structure of the department, (8) subject to law and the state's merit system, establish and make appointments to necessary positions, abolish unnecessary positions, transfer employees between positions, remove persons appointed to positions and change duties, titles and compensation of employees, (9) delegate any functions vested in the department head to subordinate employees, except the power to remove or fix the compensation of employees, and (10) require any officer or employee give an official bond if not required to do so by law.

The proposal creates the position of director of the following departments: department of administration, department of agriculture, department of correction, department of employment, department of finance and insurance, department of fish and game, department of health and welfare, Idaho transportation department, department of labor and industrial services, department of lands, department of law enforcement, department of parks and recreation, and department of water resources.

The proposal provides for cooperation among departments by requiring the Governor to devise a basis for cooperation and coordination of work, eliminating duplication and overlapping of functions. All departments are charged to cooperate with one another in employment of services, and use of quarters and

equipment. Department directors are empowered, subject to the consent of the employee's superior officer, to require an employee of another department to perform a duty which he might require of his own subordinates. The duty is imposed upon departments when such power is vested in it, to inspect, examine, secure data or information, or procure assistance from another department.

Each department shall maintain a central office in Boise, unless otherwise provided. With the approval of the Governor a department director may establish and maintain branch offices. No department or unit thereof may share office space, facilities, equipment or personnel with any private group or association without written approval of the Attorney General.

The proposal establishes guidelines for the creation of advisory councils, which the Governor or a department head may create. No department head or other official may create or appoint advisory councils without the approval of the Governor. The proposal specifies that other executive department officials, including the superintendents of the state's institutions and the presidents of the state's institutions of higher education may create advisory councils only if federal law or regulation requires they do so as a condition to receive federal funds. The creating authority is required to prescribe the composition and functions of each advisory council, appoint its members who shall serve at the creating authority's pleasure, and specify a date when the council shall cease to exist. Each creating authority must file record of the advisory council created in the office of the Secretary of State. Constitutional officers may create advisory councils without the approval of the Governor and must file record of each council created in the office of the Governor and the office of the Secretary of State.

Advisory councils may act only in an advisory capacity of furnishing advice, gathering information, making recommendations and performing other activities necessary to comply with funding requirements.

No advisory council may be created to continue more than two years after the date of its creation or beyond the period required to receive federal or private funds, whichever occurs later, unless extended by executive order of the Governor or by the legislature. When a council's existence is extended a new expiration date shall be specified, no more than two years later and a new record shall be filed in the office of the Governor and the office of the Secretary of State.

Each advisory council member, unless he is a full time salaried officer or employee of the state, shall be paid a per diem set by the department head not to exceed \$25.00 per day while engaged in council duties, and shall also be reimbursed for actual expenses. Unless otherwise specified by the creating authority each council shall meet at least annually, and also at the call of the Governor, the creating authority or the chairman or a majority of its members. No council shall meet outside the city of Boise without prior authorization of the creating authority.

The proposal requires that upon the effective date of the reorganization proposal each new department head shall file a record of each advisory body with the department.

The proposal prohibits the Governor, a department head or official of the executive department of state government from creating, through administrative action, an agency of state government other than advisory councils as outlined above, or internal units of a department.

Department directors are required by the proposal to file annual reports with the Governor on or before the first day of December and at such other times as the Governor may require. The report shall contain a current organizational chart of the department, an employee count by division for the current and preceding fiscal year, major policy adoptions or changes made by the agency, new responsibilities of the department, a narrative description of significant developments within each departmental division and suggested administrative or legislative changes for the department.

The proposal provides for the transfer of rights, powers and duties of persons and agencies succeeded to by new departments created by executive re-organization legislation.